



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JUN 11 2015

Carolyn Blohm

Savannah, GA 31416

RE: MUR 6847

Dear Ms. Blohm:

On July 2, 2014, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). On May 19, 2015, based upon information contained in the complaint, and information provided by you, the Commission decided to dismiss the allegations that you violated the Act and Commission regulations. Accordingly, the Commission closed its file in this matter on May 19, 2015.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). The Factual and Legal Analysis, which explains the Commission's finding, is enclosed for your information.

If you have any questions, please contact me at (202) 694-1650.

Sincerely,

General Counsel

A handwritten signature in black ink, appearing to read "Jeff S. Jordan", is written over the typed name.

BY: Jeff S. Jordan
Assistant General Counsel
Complaints Examination and
Legal Administration

Enclosure
Factual and Legal Analysis

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Carolyn Blohm

MUR 6847

I. INTRODUCTION

This matter was generated by a complaint filed by Donald J. Tuten on June 25, 2014, alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act")¹ and Commission regulations by Friends of Bob Johnson and Edward L. Shapoff in his official capacity as treasurer. It was scored as a relatively low-rated matter under the Enforcement Priority System, a system by which the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

II. FACTUAL AND LEGAL ANALYSIS

The Complainant in this matter, Donald J. Tuten, alleges that Friends of Bob Johnson² and Edward L. Shapoff in his official capacity as treasurer (the "Committee") accepted excessive contributions in violation of the Act and Commission regulations. Compl. at 1. Specifically, the Complainant alleges that, "[b]ased on FEC reports," the Committee accepted an excessive contribution in the amount of \$250 from one individual, Carolyn Blohm, for the 2014 primary election. *Id.* at 2. Complainant asserts that Carolyn Blohm contributed \$1,000 to the Committee on June 28, 2013, \$1,500 on December 28, 2013, and \$250 on April 29, 2014, and that all of the contributions were attributed to the May 20, 2014 primary election. *Id.*

¹ On September 1, 2014, the Federal Election Campaign Act of 1971, as amended (the "Act"), was transferred from Title 2 of the United States Code to new Title 52 of the United States Code.

² Robert Eugene Johnson, M.D. was a 2014 Republican candidate for Georgia's 1st Congressional District. Johnson ran in the Republican primary election held on May 20, 2014; he lost the July 22, 2014 runoff election.

1 In response, the Committee acknowledged that it inadvertently attributed a \$250
2 contribution from Dr. Patrick Blohm to his spouse, Carolyn Blohm. Committee Resp. at 1. The
3 Committee states that in April 2014, Patrick Blohm attended a Committee fundraiser and
4 provided a \$250 check, "[intending] for the contribution to be from Dr. [Patrick] Blohm." *Id.*
5 The Committee states that both Patrick and Carolyn Blohm's names appeared on the check, and
6 that the Committee "mistakenly attributed the contribution to Carolyn Blohm because she signed
7 the check." *Id.* The Committee contends that it was unaware of the apparent excessive
8 contribution until the Complaint was filed, and that the lapse was due to the transition to a new
9 software program. *Id.* at 2. The Committee states that it has since refunded the contribution. *Id.*

10 Carolyn Blohm responded that she contributed a total of \$2,500 to the Committee for the
11 2014 primary election, and that the Committee attributed an additional \$250 to her, when it was
12 intended "only to cover [her husband's] contribution to Dr. Johnson." Carolyn Blohm Resp. at
13 1, 2. Attached to Carolyn Blohm's response is a letter from the Committee stating that the
14 attribution error was inadvertent and that the alleged excessive contribution would be
15 immediately refunded. *Id.*, Attach.

16 The Committee's filings disclose three contributions from Carolyn Blohm for the 2014
17 primary election, totaling \$2,750: \$1,000 on June 28, 2013; \$1,500 on December 28, 2013; and
18 \$250 on April 29, 2014.³ See Amended 2013 July Quarterly Report, filed on May 4, 2014, at 5;
19 Amended 2013 Year End Report, filed on May 5, 2014, at 7; and 2014 12 Day Pre-Primary
20 Report, filed on May 8, 2014, at 5. The Committee also disclosed a \$1,000 contribution from
21 Carolyn Blohm on May 29, 2014, designated for the 2014 runoff election. See 2014 12 Day Pre-

³ The Committee also disclosed a \$500 primary election contribution from Patrick Blohm on October 16, 2013. See Amended 2013 Year End Report, filed on May 5, 2014, at 7.

1 Runoff Report, filed on July 10, 2014, at 8. The Committee disclosed a \$250 refund to Carolyn
2 Blohm dated July 14, 2014. *See* 2014 October Quarterly Report, filed October 15, 2014, at 110.

3 Given the small amount at issue in this matter, coupled with the fact that it has now been
4 refunded by the Committee, the Commission exercises its prosecutorial discretion and dismisses
5 the allegations as they pertain to Carolyn Blohm, pursuant to *Heckler v. Chaney*, 470 U.S. 821
6 (1985).